

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA

Thomas Luther Erickson,

Plaintiff,

-vs-

Social Security Administration,

Defendant.

Case No. 3:16-cv-30

**ORDER ADOPTING REPORT AND  
RECOMMENDATION**

Pursuant to 28 U.S.C. § 636, the court has received a Report and Recommendation from the Honorable Alice R. Senechal, United States Magistrate Judge.<sup>1</sup> The Report and Recommendation recommends that Plaintiff Thomas Luther Erickson's complaint be dismissed without prejudice. Erickson has not filed objections within the prescribed time period.

After reviewing the record and the magistrate judge's Report and Recommendation, the court finds the magistrate judge's analysis of the complaint and recommendation for disposition is appropriate. Accordingly, the court hereby adopts the Report and Recommendation in its entirety. Because Erickson has failed to demonstrate he has presented his claim for retirement benefits to the Commissioner, his complaint is dismissed without prejudice. Moreover, the court finds that any appeal would be frivolous, could not be taken in good faith, and may not be taken *in forma pauperis*.

**IT IS SO ORDERED.**

**LET JUDGMENT BE ENTERED ACCORDINGLY.**

Dated this 11th day of April, 2016.

/s/ Ralph R. Erickson  
Ralph R. Erickson, Chief Judge  
United States District Court

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<sup>1</sup> Doc. #7.